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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,797	03/08/2004	Charles L. Gray JR.	310121.415	7696
34212	7590	12/19/2005	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			KERSHTEYN, IGOR	
701 FIFTH AVENUE			ART UNIT	
SUITE 6300			PAPER NUMBER	
SEATTLE, WA 98104-7092			3745	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/795,797

Applicant(s)

GRAY, CHARLES L.

Examiner

Igor Kershteyn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 20-30 is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☒ Claim(s) 14-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/17/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Applicant is advised that should claim 11 be found allowable, claims 12 and 13 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebert (2,931,250) in view of Molly (4,034,650).

In figures 1, 2, 4, and 4a, Ebert teaches a pump/motor comprising a yoke 72,73 configured to carry a rotatable barrel 26,27,74,75; a trunnion 28,29 coupled to the yoke 72,73 and configured to be received by an aperture (not numbered) of a pump casing 1, and a fluid channel 81,82,85,86 passing within the yoke 72,73 to the trunnion 28,29 and exiting the trunnion 28,29 via an aperture (not numbered) positioned between the two planes.

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Ebert doesn't teach a bearing between the trunnion and a wall of the aperture in a position defined by two parallel planes transverse to an axis of the trunnion.

Molly, in figures 7-9, teaches a pump/motor having a yoke 8, and a bearing 34 between a trunnion 33 and a wall of the aperture in a position defined by two parallel planes transverse to an axis of the trunnion 4.

Since Ebert and Molly are analogous art because they are from the same field of endeavor, that is the hydraulic bent axis piston machine art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the machine of Ebert with the a bearing between the trunnion and a wall of the aperture as taught by Molly for the purpose of reducing friction between the trunnion and it's journal.

#### ***Allowable Subject Matter***

Claims 1-10, and 14-30 are allowed.

Claims 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of six patents.

Vickers (2,525,979) is cited to show a bent axis hydromachine having a yoke, a trunnion, a fluid channel, and an aperture in a casing for receiving the trunnion but fails to teach a bearing between the trunnion and the aperture.

Ferris (2,661,701) is cited to show a bent axis hydromachine having a yoke, a trunnion, a fluid channel, and an aperture in a casing for receiving the trunnion but fails to teach a bearing between the trunnion and the aperture.

Schauer (3,382,813) is cited to show a hydraulic device having a back plate but fails to teach means for admitting fluid from region surrounding the back plate.

Bahrle et al. (3,862,588) is cited to show a bent axis hydromachine having a yoke, a trunnion, a fluid channel, and an aperture in a casing for receiving the trunnion but fails to teach a bearing between the trunnion and the aperture.

Fleming et al. (6,203,283) is cited to show a bent axis hydromachine having a yoke, a trunnion, a fluid channel, an aperture in a casing for receiving the trunnion, and a bearing between the trunnion and the aperture but fails to teach the fluid channel exiting the trunnion through the bearing.

Skirde et al. (6,505,541) is cited to show a bent axis hydromachine having a yoke, a trunnion, a bearing, a fluid channel exiting the trunnion through the bearing but fails to teach an aperture for receiving the bearing.

#### ***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is

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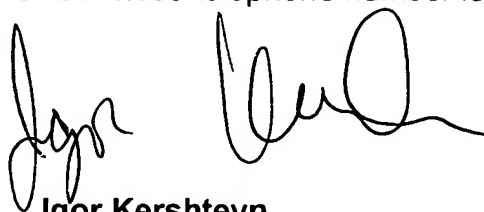
**(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

December 15, 2005

A handwritten signature in black ink, appearing to read 'Igor Kershteyn', is written over a printed name and title.

**Igor Kershteyn**  
**Patent examiner.**  
**Art Unit 3745**